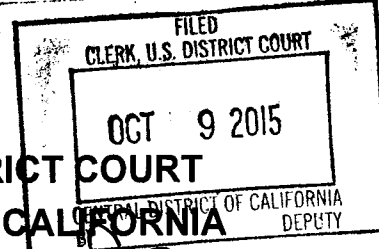


Eduardo Menjivar & Nana I AM

4048 Halldale Avenue,
Los Angeles, CA 90062
PHONE: 310-955-6541

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**



Eduardo Menjivar & Nana I AM
PLAINTIFF(S)

vs.

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,
DEFENDANT(S)

REGIONAL TRUSTEE SERVICE CORPORATION
DEFENDANT(S)

EAST END PROPERTIES, INC & DANIEL ARGENTO
DEFENDANT(S)

LOS ANGELES POLICE DEPARTMENT
DEFENDANT(S)

and All Persons Claiming Any Legal or Equitable
Right, Title, Estate, Lien, or Interest in the Property
Described in the Complaint Adverse to Plaintiff's Title,
or Any Cloud On Plaintiff's Title Thereto and,
DOES 1 through 10, inclusive,
Defendants

Case No. **CV15-7976-FMO (ASx)**
JURY TRIAL DEMANDED

Racketeer Influenced and Corrupt Organizations Act
(18 U.S.C §1961 et seq)

Complaint to Quiet Title / FRAUD

Fair Debt Collections Practices Act
(15 U.S.C §1692 et seq)

Consumer Credit Protection Act
(15 U.S.C §1601 et seq)

Real Estate Settlement Procedures Act
12 U.S.C. §§ 2601-2617

The Declaratory Judgment Act - 28
U.S.C. §2201 - §2202

ORIGINAL COMPLAINT

JURY TRIAL DEMANDED

**VERIFIED COMPLAINT FOR QUIET TITLE, FRAUD, RACKETEERING, FRAUDULENT
FORECLOSURE, / ILLEGAL EVICTION, THEFT OF PROPERTY, & INVASION OF PRIVACY**

PRELIMINARY INTRO:

This is a Complaint to Quiet Title to Real Property brought by Eduardo Menjivar & Nana I AM
and Civil RICO Action to recover money damages for FRAUD, RACKETEERING, ABUSIVE DEBT
COLLECTIONS, REAL ESTATE SCAMS, FRAUDULENT CONVEYANCES, & REPEATED CIVIL
RIGHTS VIOLATIONS. This lawsuit is further brought, in order to establish plaintiff's title to real
property, against anyone, and everyone, and thus "quiet" any challenges or claims to the title.
Plaintiff(s) seeks to remove clouds on the title, cancel fraudulent claims, or false liens which
resulted from illegal transfers, fraud, forged deeds, theft, or conversion, against the property, to wit:

Legal Description:

See Exhibit "A"
LOT 35, OF L.L. BOWEN'S NORMANDIE AVENUE TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN THE BOOK 10 PAGES 94 OF MAP, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

Property Address:

4048 Halldale Avenue, Los Angeles, CA 90062

Action Of Eduardo Menjivar & Nana I AM

COMPLAINT TO QUIET TITLE, FRAUD, CONSPIRACY, RACKETEERING

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4	FRAUDULENT SUBSTITUTION OF TRUSTEE FILED BY RTS PACIFIC,, INC; DATED 9-24-14 AND RECORDED AS INSTRUMENT # 20141010730 AT
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6	FRAUDULENT NOTICE OF TRUSTEE SALE FILED BY RTS, PACIFIC, INC; DATED 02-19-15 AND RECORDED AS INSTRUMENT 20150179724 IN
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9	ANGELES COUNTY RECORDERS OFFICE.
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PLAINTIFF'S ORIGINAL COMPLAINT

I. INTRODUCTION - NATURE OF THE CASE

Racketeer Influenced Corrupt Organizations Act (18 U.S.C §1961 et seq)

1. This civil action is brought by plaintiff(s) **Eduardo Menjivar & Nana I AM** for judgment against defendants **Wells Fargo Bank, NA , GENESIS CAPITAL MASTER FUND III,LLC,** and **REGIONAL TRUSTEE SERVICE CORPORATION** and its agents, employees, and legal representatives, complaining of theft of real property, fraud, unlawful debt collection practices, deceptive trade and predatory practices which violate state and federal law; and for a diabolical scheme to defraud, extort, and to steal personal property and/or money, in connection with the operation of illegal enterprises, and, stemming from illegal activities prohibited by the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C §1961 et seq), by the Fair Debt Collections Practices Act (15 U.S.C §1961 et seq) and unlawful conduct and willful violations of the Consumer Credit Protection Act (15 U.S.C §1601-1693, et seq) (Truth in Lending Act). Plaintiff further asserts statutory and common law claims for trespass against these defendants under Common Law and the laws of the State of California

2. Plaintiff further brings this action for injunctive relief from unlawful acts of foreclosure fraud, fraud, negligent misrepresentation, civil conspiracy, unjust enrichment, breach of contract, and deceptive trade practices, inter alia, which violate state and federal consumer protection laws.

3. This Civil Action is further brought pursuant to 42 U.S.C. §1981 For Equal Rights Under Law (42 U.S.C. §1981) Civil Rights Violations (28 U.S.C. §1443), Civil Action for Deprivation Of Rights under (42 U.S.C. §1983), Conspiracy To Interfere With Civil Rights To Possession of Property under (42 U.S.C. §1985) and the **Declaratory Judgment Act** declaring all of the despicable, and deplorable acts complained of herein to be unlawful in commerce.

4. Plaintiff(s) is/are an American citizens and brings this action to enforce legal rights granted under Federal and Common Law and guaranteed under the Constitution of the United States of America because the unlawful conduct of these defendants, and theft of property, has resulted in violations of plaintiff's Constitution Rights protected under the Constitution of the United States.

5. The relief sought includes a declaratory judgment declaring defendants have no interest in the subject property, judgment for **money damages**, injunctive relief, actual damages, **damages for fraud**, unlawful Racketeering, **illegal debt harrassment**, compensatory damages, punitive damages treble damages, the imposition of a constructive trust with tracing, cost of investigation and suit, interest, attorney fees, reversal of *fraudulent accounting entries*, cancellation of fraudulent liens, and a declaratory judgment declaring the acts committed to be unlawful in commerce, money damages for repeated violation of plaintiffs Constitutional rights.

Jurisdiction

6. Jurisdiction of this court over this complaint is premised upon 18 U.S.C. §1964(a), (b), (c), and (d) (Racketeer Influenced and Corrupt Organizations), 15 U.S.C. Subchapter V - Debt Collection Practices. Federal jurisdiction is also based on 28 U.S.C §1331 (federal question), 28 U.S.C §1337 (commerce). Federal jurisdiction is further based upon the Consumer Credit Protection Act 15 U.S.C §1601-1693, Real Estate Settlement Procedures Act **12 U.S.C. §§ 2601–2617**, and the Common law of this State. This court has jurisdiction over the state law claims contained in this complaint under the doctrine of supplemental jurisdiction and has jurisdiction over all causes of action asserted under state and common law. Jurisdiction is further based upon section 1981 of the Civil Rights Act of 1866, and 28 U.S.C. §1343(4) which confers original jurisdiction upon this Court in a civil action to recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights and 1331, which confers original jurisdiction upon this Court in a civil action arising under the Constitution of the United States, **Articles I, IV, IX, and XIV**. The amount in controversy exceeds \$10,000.00 (ten thousand dollars)

SUPPLEMENTAL JURISDICTION

This court has jurisdiction under state law causes of action pursuant to California Code Civ. Proc. and has the authority to determine the title issues in this case pursuant to §§760.040, and §760.050 of the California Code Civ. Procedure. This court has jurisdiction under the Uniform Deceptive Trade Practices Act -Bus. & Prof. §17500 et seq and Civ. Proc. §§318, 325, 328., **INVASION OF PRIVACY & PRIVACY RIGHTS PROTECTED UNDER ARTICLE 1, §1 OF THE CALIFORNIA CONSTITUTION**

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C 1391(b) and 1391(c), because Defendants can be found and conducts business within this judicial district, or because the cause of action has arisen and/or occurred within this district. The acts alleged herein are connected to and are alleged to have taken place within the district of this court.

PARTIES AND RELATIONSHIPS

8. This court has jurisdiction of the state law claims contained in this complaint under the doctrine of supplemental jurisdiction under 28 U.S.C. §1367. This court further has jurisdiction to state law claims asserted under the California DECEPTIVE TRADE PRACTICES LAW, and based upon civil remedies available under state law on the following grounds:

(a) The cause of action or a part thereof accrued in this district in that defendants have engaged in false, fraudulent, misleading and deceptive acts and practices in trade and commerce in this county as set forth herein and are further subject to personal jurisdiction by this court.

(b) Defendants business or agents for the business was principally based in this district within the jurisdiction of this Court.

THE PARTIES:

9. Plaintiff(s), Eduardo Menjivar & Nana I AM is/are an American citizen(s) residing in this district. At all times pertinent herein plaintiff is/was a natural person and a consumer within the meaning of 15 U.S.C TITLE 15 CHAPTER 41, SUBCHAPTER V §1692a(3) and Consumer Protection Laws of the State of California. Plaintiff means all Plaintiffs listed herein.

10. Plaintiff complains inter alia of fraud, Fraud against Real Estate, Invasion of Privacy, Unlawful Racketeering Acts, fraudulent liens placed against plaintiff's Real Property, Abusive debt collection practices, (especially debts which are not owed to the defendants), fraudulent and deceptive practices of the defendants, including accounting fraud, and other unlawful and despicable acts committed in the course of being in contact with, or doing business the defendants. At all times pertinent herein, plaintiff is a natural person, and individual consumer within the meaning of the Consumer Protections Laws of the United States and the State of California Plaintiff(s) has suffered great harm as a result of the defendants wrongful, improper, fraudulent, and abusive Conduct intentionally inflicted upon the plaintiff by these defendants, their employees, agents and legal representatives. Plaintiffs herein are the equitable owners, of the Subject property, and have Paramount ownership and rights to possession to the subject property.

11. DefendantWells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC,

is and all times herein mentioned was a

Corporation organized and existing under the laws of the of the State of **California** and maintain offices in that state. Defendant is a "debt collector" within the meaning of 15 U.S.C TITLE 15 CHAPTER 41, SUBCHAPTER V §1692a(5) who collect debts as a part of its ongoing operations and is also declared to be a **corrupt enterprise** within the meaning of 18 U.S.C 196(3) and §1962(c), which engage in, or the activities of which affect, interstate commerce within the meaning of 18 U.S.C. §1962. This defendant is engaged in the business of

12. DefendantREGIONAL TRUSTEE SERVICE CORPORATION

is and all times herein mentioned was a

entity affiliated with and at all times mentioned an agent and/or employee or heir, assign, or legal

representative of defendant

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC,

This Defendant is a "debt

collector" within the meaning of 15 U.S.C CHAPTER 41, SUBCHAPTER V §1692a(5) who regularly collect debts as a part of its ongoing operations and business. Defendant is also declared to be a person and corrupt enterprise within the meaning of 18 U.S.C 196(3) and §1962(c), which engage in, or the activities of which affect, interstate commerce within the meaning of 18 U.S.C. §1962. Defendant is engaged in the business of collecting debts for the main defendant. The named defendants herein are referred to collectively as "Defendant"

because both defendants committed the same self-serving illegal acts and the causes of actions in

this case is based upon the same operative facts.

Defendant

REGIONAL TRUSTEE SERVICE CORPORATION

is

engaged in the business of

for certain deeds for trust.

13. **Defendant** EAST END PROPERTIES, INC & DANIEL ARGENTO is and all times herein mentioned was a Limited Liability Company existing under the laws of the of the State of California and maintain offices in that state. Defendant is a "debt collector" within the meaning of 15 U.S.C TITLE 15 CHAPTER 41, SUBCHAPTER V §1692a(5) who collect debts as a part of its ongoing operations and is also declared to be a **corrupt enterprise** within the meaning of 18 U.S.C 196(3) and §1962(c), which engage in, or the activities of which affect, interstate commerce within the meaning of 18 U.S.C. §1962. This defendant is engaged in the business of

14. **Defendant** LOS ANGELES POLICE DEPARTMENT is and all times herein mentioned was a entity affiliated with and at all times mentioned an agent and/or employee or heir, assign, or legal representative of defendant Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, This Defendant is a "debt collector" within the meaning of 15 U.S.C CHAPTER 41, SUBCHAPTER V §1692a(5) who regularly collect debts as a part of its ongoing operations and business. Defendant is also declared to be a person and corrupt enterprise within the meaning of 18 U.S.C 196(3) and §1962(c), which engage in, or the activities of which affect, interstate commerce within the meaning of 18 U.S.C. §1962. Defendant is engaged in the business of collecting debts for the main defendant. The named defendants herein are referred to collectively as "Defendant" because both defendants committed the same self-serving illegal acts and the causes of actions in this case is based upon the same operative facts. Defendant LOS ANGELES POLICE DEPARTMENT is engaged in the business of

15. Defendants DOE's 1 thru 10 are unknown defendants and Plaintiff is presently without knowledge of the true names and capacities of defendants sued herein and therefore sues these defendants by such fictitious names. Plaintiff or Plaintiff's counsel will amend this complaint to allege their true names and capacities when ascertained.

16. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, each of the defendants sued herein was the agent and/or employee of each of the remaining defendants, and was at all times acting within the purpose and scope of such agency and employment. For purposes of this complaint "defendant" means all defendants.

SERVICE OF PROCESS

17. Service of process has been perfected by serving defendants at their respective address, places of residency, or through their last know registered agents, to wit:

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC.

Wells Fargo Bank, N.A
C/O RTS PACIFIC, INC
616 1ST AVENUE, SUITE 500
SEATTLE, WA 98104

REGIONAL TRUSTEE SERVICE CORPORATION

REGIONAL TRUSTEE SERVICE
CORPORATION
616 1ST AVENUE, SUITE 500
SEATTLE, WA 98104

EAST END PROPERTIES, INC & DANIEL ARGENTO

BRETT CYPRUS
15740 PARAMOUNT BLVD, SUITE E
PARAMOUNT, CA 9072

LOS ANGELES POLICE DEPARTMENT

100 WEST 1ST STREET
LOS ANGELES, CA. 90012

Quiet Title, FRAUD, Racketeering, Abusive Deceptive, and Unfair Debt Collection Practices

18. In an harassing, and evil scheme to steal, and defraud Real Property of the Plaintiff(s), the defendants Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, and its agents REGIONAL TRUSTEE SERVICE CORPORATION and in full cooperation with EAST END PROPERTIES, INC & DANIEL ARGENTO and LOS ANGELES POLICE DEPARTMENT commenced a scam to unlawfully steal Real Property by forwarding misleading and false instruments or by filing fraudulent liens, false deeds, and evil instruments which purport to convey property and title to defendants, but which in fact, conveys absolutely nothing.

19. These misleading and false instruments contained incorrect, misleading, erroneous and manufactured information, which cannot be traced back to, verified, or reconciled with any valid UCC transaction relative to the subject real property identified on page 1 of this complaint.

20. Moreover, these instruments are tools of fraud and deception as explained are self-serving instruments, which purport to claim to have legal rights to the subject property, but which in fact are only fabricated instruments by the defendants for the sole purpose of creating "in interest" in the subject real property; but were wrongly and fraudulently manufactured by the defendants in order to gain an unjust economic financial advantage over the plaintiffs as shown on pages 16-22.

21. One of the most appalling circumstances of the fraud in this case, is that the instruments used in the scam, has absolutely no basis of ownership to the defendants, does not actually convey property to the defendants, cannot be traced back to valid trustees, or substitute trustees, and has no valid chain of succession of ownership to any of the named defendants.

22. Defendants used unlawful and unscrupulous methods of illegal fraudulent conveyances to create a false interest in real property, fraudulently setting themselves as holders in due course, but having only worthless "ghost notes" which give defendants no rights what-so-ever.

23. Defendants routinely use fraud to steal property from consumers, and used the same malicious, despicable, and fraudulent system to create a false interest in plaintiff's Real Property, whereby defendants so called "interest" is actually based on false liens, or fraudulently manufactured deeds, worthless fraudulent mortgages, or fraudulently securities instruments.

Wells Fargo Bank, NA , GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

24. The above named Defendants conspired among themselves, had a "meeting of the minds", an agreed to conduct, and did conduct an insidious fraud campaign against the plaintiff and the subject real property identified on Page 1 and Exhibit A of this complaint, which said fraud campaign consisted of highly illegal criminal methods, and unlawful transfers which includes, methods of forgery, and fraud, and is not limited to all of the following despicable acts:

- ☒ (a) Manufacturing of False & forged Instruments to defraud Real Property, and,
- ☒ (b) Recording False & ROBO-SIGNED Instruments into Real Property records, and,
- ☒ (c) Fraudulently misrepresenting itself as the Holder in Due Course of a mortgage note, which falsely gives itself right to the subject property,
- ☒ (d) Fraudulently staging a false foreclosure sale an misrepresenting itself as the "highest bidder" or purchaser of the property at a foreclosure sale or auction.

25. Defendants unlawful and unscrupulous methods of illegal fraudulent conveyances to unauthorized individuals, third party fraudsters, and/or fictitious individuals, and other types of "ghost entities", forged instruments, including robo signers, all of which were illegally used to create a false interest in plaintiff's real property as identified on page 1 of this complaint.

26. The third party fraudsters, fictitious individuals, and ghost entities, (hereinafter "the ghost") are used in the scam to create, modify, sign, and execute false foreclosures, false documents, and forged instruments related to the subject property which is subsequently fraudulently filed into public property record which ultimately creates a false lien or unlawful cloud over the title.

27. The "holders in due course" scam, as explained more fully herein employs "ghost notes" fake mortgages, non-originals, unverified instruments to substantiate defendants right or claim to the subject property. Defendants are unable to produce any real note in its possession, nor, has any such possession of any "blue ink" original note, and has committed a fraud against the subject property, and has slandered the title, causing losses to plaintiff(s).

28. Defendants outrageous acts constitute Conversion, FRAUD, and Unjust Enrichment.

FACTUAL ALLEGATIONS

Page 12 of 57

29. The following **nonexclusive list** of unlawful acts were committed **by each defendant named individually**, herein against the plaintiff(s)f, and the subject property, in support of, and in furtherance of the conspiracy and/or violations complained of herein, plaintiff(s) alleges as follows:

Manufacturing False Deed for Purposes of Claiming False Interest in Real Property.

- | | | |
|-----|---|--------------------------|
| (a) | FRAUDULENT DECLARATION BY RUBEN RAMIREZ OF WELLS FARGO DATED 12-6-11, | <u>Exhibit 1</u> |
| (b) | FRAUDULENT NOTICE OF DEFAULT FILED BY RTS PACIFIC,, INC; DATED 12-15-11 AND RECORDED AS INSTRUMENT # 20111693817 AT THE LOS ANGELES COUNTY RECORDERS OFFICE. | <u>Exhibit 2</u> |
| (c) | FRAUDULENT SUBSTITUTION OF TRUSTEE FILED BY RTS PACIFIC,, INC; DATED 9-24-14 AND RECORDED AS INSTRUMENT # 20141010730 AT THE LOS ANGELES COUNTY RECORDERS OFFICE. | <u>Exhibit 3</u> |
| (d) | FRAUDULENT NOTICE OF TRUSTEE SALE FILED BY RTS, PACIFIC, INC; DATED 02-19-15 AND RECORDED AS INSTRUMENT 20150179724 IN THE LOS ANGELES COUNTY RECORDERS OFFICE. | <u>Exhibit 4</u> |
| (e) | FRAUDULENT TRUSTEE'S DEED FILED BY RTS PACIFIC,,INC; DATED 6-16-15 AND RECORDED AS INSTRUMENT # 20150712622 IN LOS ANGELES COUNTY RECORDERS OFFICE. | <u>Exhibit 5</u> |
| (f) | | <u>Exhibit 6</u> |
| (g) | | <u>Exhibit 7</u> |
| (h) | | <u>Exhibit 8</u> |
| (i) | | <u>Exhibit 9</u> |
| (j) | | <u>Exhibit 10</u> |
| (k) | | <u>Exhibit 11</u> |
| (l) | | <u>Exhibit 12</u> |

VERIFIED COMPLAINT FOR QUIET TITLE
(Section §760.040 - California Code of Civil Procedure)

DEFENDANTS PARTICIPATED IN AN ILLEGAL CONSPIRACY TO PUT AN UNLAWFUL CLOUD OVER THE TITLE TO THE SUBJECT PROPERTY

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

30. The preceding paragraphs of *this complaint*, are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each and every allegation above & below.

31. Plaintiff(s) is/are informed and believes and on that basis alleges that each of the defendants claims, or may claim, some interest in the real property described in Exhibit "A" of this complaint.

32. Plaintiff(s) is/are the owner(s) by adverse possession of real property located in LOS ANGELES County, California and more specifically described as:

Legal Description:

See Exhibit "A"
LOT 35, OF L.L. BOWEN'S NORMANDIE AVENUE TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN THE BOOK 10 PAGES 94 OF MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

(Full Described in Exhibit "A")

Property Address: 4048 Halldale Avenue, Los Angeles, CA 90062

33. Adverse Possession: Plaintiff(s) is/are the Equitable Owners with superior right to possession, in legal possession, and such possession which has been actual, open, hostile, continuous, and exclusive possession of the said property pursuant to Common law.

Plaintiffs have been in Actual, open, hostile, continuous and exclusive possession in excess of the the timeset forth in the Code of Civil Procedure 318, 319, 321-323.

34. Plaintiff has been in continuous legal possession since 2 described above in this complaint, adverse to defendants and to all other persons, in support of plaintiff's title to the real property and as curative of any defects in the title, or other defects which might have existed with reference to it. Plaintiffs has the Equitable Interest, and Equitable Ownership of the property.

35. Defendants claim an estate or interest in the real property described that is adverse to plaintiff.

36. Defendants claim or purported title to the estate is based on the fraud, a fraudulent claim, deceit, and/or a fraudulent conveyance, or note holder scam as complained of herein and these transfers has no legal effect what-so-ever. Defendant has no marketable title in the property.

VERIFIED COMPLAINT FOR QUIET TITLE
(Section §760.040 - California Code of Civil Procedure)

DEFENDANTS PARTICIPATED IN AN ILLEGAL CONSPIRACY TO PUT AN UNLAWFUL CLOUD OVER THE TITLE TO THE SUBJECT PROPERTY

Wells Fargo Bank, NA , GENESIS CAPITAL
MASTER FUND III,LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

Description of the Property:

37. "Exhibit A:" is attached herein by reference. The description of the property that is the subject of this action is fully setforth in Exhibit A which is attached to this complaint, and described on page1 of this complaint, and said the description includes the legal description and the street address or common designation.

Title Which Plaintiff Seeks a Determination:

38. The title to which a determination is sought is title by Adverse Possession, and/or title by equitable rights, and legal conveyances from prior owners in the chain of ownership, or ownership by Adverse Possession of the subject property.

Basis Of the Title:

39. The basis of plaintiff(s) title is by Adverse Possession under Common Law, the laws of the United States of America, and the laws of the State of California

40. Plaintiff(s) **Eduardo Menjivar & Nana I AM** are the Equitable Owner(s) of the subject property located at **4048 Halldale Avenue, Los Angeles, CA 90062** which made the basis of this complaint, and as equitable owners, have the superior right to possession to the said property, and to develop the air space, and mineral rights to the subject property; plaintiffs claim all mineral rights, airspace rights, and all structures situated on the land(s) where the property is fixed.

41. Plaintiffs title is further based on the fact that plaintiff(s) have had exclusive control of the subject property and has been in actual, open, hostile, continuous, and exclusive possession of the said property since January 02, 1900

VERIFIED COMPLAINT FOR QUIET TITLE
(Section §760.040 - California Code of Civil Procedure)

Specific Facts Surrounding Adverse Possession

42. On or about January 02, 1900 plaintiff(s) became in Adverse Possession or legal possession of the subject property after discovery of a false mortgage or fraudulent loan related to the Subject Property; none of the defendants including Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC have any real interest in the property, and any such interest claimed by the defendants is based upon fraud.

43. Plaintiff(s) became heirs and inherited tacking years, and Equitable Ownership of the subject property ever since that date that plaintiff(s) became in lawful, legal or Adverse Possession

44 Plaintiff(s) has been in actual, open, hostile, continuous, and exclusive possession of the said property since January 02, 1900

45. Due to an unlawful eviction, plaintiff was forced to take adverse possession of the subject property and further due to the unlawful clouds placed over plaintiff's good title.

ADVERSE CLAIMS TO THE TITLE:

46. All of the named defendants have made claims which are adverse to the plaintiff's title for which a determination is sought. *The adverse claims to the title of the plaintiff against which a determination is sought includes the following adverse parties:*

A. The Adverse Claims of: Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC,

B. The Adverse Claims of: REGIONAL TRUSTEE SERVICE CORPORATION

C. The Adverse Claims of: EAST END PROPERTIES, INC & DANIEL ARGENTO

D. The Adverse Claims of: LOS ANGELES POLICE DEPARTMENT

DATE FOR WHICH DETERMINATION IS SOUGHT:

47. The date as of which the determination is sought is: January 02, 1900

48. Plaintiff(s) prays for a determination of the title of the plaintiff against the adverse claims, pray that this court declare that defendants, and each of them have no title to the subject property, and enter judgment ordering defendants to transfer title to plaintiff(s) **Eduardo Menjivar & Nana I AM**

**COMPLAINT FOR MULTIPLE ACTS OF FRAUD, GRAND THEFT OF
PROPERTY, AND VIOLATION OF THE REAL ESTATE SETTLEMENT
PROCEDURES ACT**

**BY VIRTUE OF ITS FRAUDULENT AND MISLEADING REPRESENTATIONS DEFENDANTS
AND EACH OF THEM HAVE INTENTIONALLY AND WILLFULLY VIOLATED THE FAIR
DEBT COLLECTION PRACTICES ACT**

Wells Fargo Bank, NA, GENESIS CAPITAL REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL LOS ANGELES POLICE DEPARTMENT
MASTER FUND III, LLC ARGENTO

49. The preceding paragraphs of this complaint are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each and every allegation against each defendant above.

50. It is specifically alleged that defendants committed a series of fraudulent and illegal acts against the subject property, as described herein, which render any purported title, lien, or claim, made by defendant, null and void, and/or unenforceable under law due to defendants fraudulent conduct. Plaintiff(s) was/were induced into believing that these deceitful acts were in good faith.

51. In addition to the deceitful, and deceptive acts complained of herein, defendants, individually committed the following three (3) frauds relative to the subject property of this lawsuit:

3 COUNTS OF FRAUD COMMITTED BY DEFENDANTS

**FRAUDULENT DECLARATION BY RUBEN
RAMIREZ OF WELLS FARGO DATED 12-6-11,**

**FRAUDULENT NOTICE OF DEFAULT FILED BY RTS PACIFIC, INC;
DATED 12-15-11 AND RECORDED AS INSTRUMENT # 20111693817 AT
THE LOS ANGELES COUNTY RECORDERS OFFICE.**

**FRAUDULENT SUBSTITUTION OF TRUSTEE FILED BY RTS PACIFIC,
INC; DATED 9-24-14 AND RECORDED AS INSTRUMENT # 20141010730
AT THE LOS ANGELES COUNTY RECORDERS OFFICE.**

52. It is specifically alleged that the said three (3) fraud scams complained of herein and set forth in greater detail on the following pages are unlawful and illegal acts of deceit, and constitute Deceptive Trade Practices, are intentional misrepresentations which violate the laws of this state. It is alleged this fraud was committed individually, and collectively by the name defendants.

53. It is specifically alleged that the fraud described and complained of herein above was intentional, willful, and was done with malice and criminal intent, with the sole purpose of stealing and/or robbing plaintiff's real property, and for causing plaintiff great mental distress.

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION, EAST END PROPERTIES, INC & DANIEL ARGENTO, LOS ANGELES POLICE DEPARTMENT

54. In accordance with the formal pleadings requirements for **FRAUD**, which provides that "the circumstances constituting the fraud shall be stated with particularity the plaintiff hereby specifically alleges "the time, place, and contents of the these false representations, made by the defendants as well as the identity of the person(s) making these representations, and further what those person(s) obtained thereby. Plaintiff shows this Honorable court the following:

Count 1: Fraud #1

Losses:

\$350,000.00

FRAUDULENT DECLARATION BY RUBEN RAMIREZ OF WELLS FARGO DATED 12-6-11,

The SCAM & Scammers Exposed:

FRAUDULENT DECLARATION BY RUBEN RAMIREZ OF WELLS FARGO DATED 12-6-11.

On or about 12/6/11 a fraudulent non-negotiable DECLARATION instrument was created and which was fraudulent transferred to the other defendants, which created and generated the fraudulent instruments described herein. The instrument was fraudulently used as an enforceable instrument and which generated a chain of fraud against the subject property including an unlawful foreclosure and wrongful eviction.

(a) **Time:**

The interval in time or period of duration for which this fraud was perpetrated by the by the defendants occurred between December 06, 2011 and December 15, 2011

(b) **Place:**

This place where this fraud occurred is at defendants own business offices and it was done via the United States Mail.

(c) **Content of the False representation:**

The content of the false representation was that defendants are holders of a valid deed of trust, but which in fact is not, and never was. The false representation also purported that DEFENDANTS could convey property to other third parties which later proved to be a falsity.

(d) **Identity Of Persons Making The Representation:**

The identify of the persons making the representation are the above named defendants, namely Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION, EAST END PROPERTIES, INC & DANIEL ARGENTO, and LOS ANGELES POLICE DEPARTMENT Each one of the defendants, individually committed the acts.

(e) **What Those Person(s) Obtained:**

Defendants obtained a wrongful Accounting Advantage which constitutes Accounting and or Fraud Financial Fraud, and also obtained purported Ownership of the property, by now fraudulently listing plaintiff's real property as defendants own property, which constitutes an and UNLAWFUL CONVERSION. Defendants also obtained a legal advantage by making recording these false claims into public property records in support of its illegal covert operation.

(f) A Material Misrepresentation was made by: FRAUDULENT DECLARATION BY RUBEN RAMIREZ OF WELLS FARGO DATED 12-6-11.

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

A material representation is made because DEFENDANTS has no power or authority to hold, transfer property to other parties.

(g) The Misrepresentation Was False:

The representation were false at the time made, WELLS FARGO BANK, and the other defendants knew these to be false.

(h) This transaction was known to be false when made, or was asserted without knowledge of it's truth:

This misrepresentation was known to be false when made or was made without knowledge of its truth.

(i) Which Was Intended To Be Acted Upon:

Defendants including intended to act upon this fraud as the United States Mail was being used to seek monies from plaintiff's estate with regards to this false claim.

(j). Which Was Relied Upon:

1. Plaintiff Relied Upon These vain falsities, and this reliance was intimately and directly related to the fraudulent documents and instruments complained of herein, to the extent that plaintiff had first believed these instruments to be true, because defendants induced this belief by the publication of the false matters in public record, and other public and personal disclosures sent to the plaintiffs, and even by mailing to the plaintiff, and placing these falsities on plaintiff's door.

(k) The Transaction Caused Injury To The Plaintiff.

1. This treacherous transaction, has caused undue hardship, severe financial loses, property losses, and extreme hardship to the plaintiffs. Plaintiffs have had to sustain the loss of the property, the actual value of the property, future value calculated to exceed well over \$1 million in financial losses
2. This transaction was covertly perpetrated by defendants, and in a conspiracy fashion has caused extreme emotional distress and pain whereby defendants subjected the plaintiffs to extreme and outrageous acts not normally tolerated by a decent society including the wrongful foreclosure and wrongful eviction

55. In accordance with the formal pleadings requirements for **FRAUD**, which provides that "the circumstances constituting the fraud shall be stated with particularity the plaintiff hereby specifically alleges "the time, place, and contents of the these false representations, made by the defendants as well as the identity of the person(s) making these representations, and further what those person(s) obtained thereby. Plaintiff shows the court the following:

**Count 2: Fraud #2 - FRAUDULENT NOTICE OF DEFAULT FILED BY RTS PACIFIC,, INC;
DATED 12-15-11 AND RECORDED AS INSTRUMENT # 20111693817 AT
THE LOS ANGELS COUNTY RECORDERS OFFICE.**
Losses:
\$350,000.00

The SCAM Exposed:

On or about 12-15-11 defendants manufactured a false notice of default and filed this fraudulent instrument in public record with full intent on defrauding public record. Neither of the defendants were authorized to send plaintiffs any notice of default, and moreover, no default actually occurred which involved any of the named defendants

(a) **Time:**

The interval in time or period of duration for which this fraud was perpetrated by the by the defendants occurred between December 15, 2011 and December 15, 2011

(b) **Place:**

This place where this fraud occurred is at defendants own business offices and it was done via the United States Mail.

(c) **Content of the False representation:**

The content of the false representation was that defendants were authorized to issue a Notice of Default, and to induce the belief that defendants were the owners, or owners agents and that plaintiff had defaulted. Falsities consisted that defendants had given proper notices as a creditor, but which in fact was not authorized or the owner.

(d) **Identity Of Persons Making The False Representation:**

The identify of the persons making the representation are the above named defendants, namely Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION, EAST END PROPERTIES, INC & DANIEL ARGENTO, and LOS ANGELES POLICE DEPARTMENT The proximate causes of this falsity are these exact persons.

(e) **What Those Person(s) Obtained:**

Defendants obtained a **wrongful Accounting Advantage** which constitutes Accounting and or Fraud Financial Fraud, and also obtained purported Ownership of the property, by now fraudulently listing plaintiff's real property as defendants own property, which constitutes an and **UNLAWFUL CONVERSION**. Defendants also obtained a legal advantage by making recording these false claims into public property records in support of its illegal covert operation.

(f) A Material Misrepresentation was made by: FRAUDULENT NOTICE OF DEFAULT FILED BY RTS PACIFIC, INC. DATED 12-15-11 AND RECORDED AS INSTRUMENT # 20111693817 AT THE LOS ANGELES COUNTY RECORDERS OFFICE.

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC. REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC. & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

A material misrepresentation was made to the extent that plaintiff does now owe this amount to any of these defendant, and further misrepresentation exist in the said amount of is not owed to any of the defendants, including those individuals and companies listed in the notice of default.

(g) The Misrepresentation Was False:

All of the above misrepresentations setforth in paragraph (f) above were FALSE and were made by the individually named defendants. Not only were these misrepresentation FALSE, these were intentionally non genuine, untrue false and treacherous false statements which was actually meant to deceive, mislead, and to give a false impression, or to induce the outright lie, that defendants had properly held a legitimate foreclosure sale

(h) This transaction was known to be false when made, or was asserted without knowledge of it's truth:

1. This transactions was known to be false by each of the above named four (4) defendants and they knew or should have known that when made these representations were indeed false.
2. Additionally, one or more of the defendants made or asserted the representations without knowledge of its truth, and the misrepresentation was made for purposes of committing the fraud.

(i) Which Was Intended To Be Acted Upon:

1. Defendants, and each of them individually, and collectively intended to act upon these fraudulent misrepresentation, and did in fact act upon these treacherous lies and misrepresentation as evidenced by fraudulent instruments which has been attached as Exhibits 1 thru 5 and made a part hereof.
2. Defendants, and each of them individually, and collectively and in a criminal manner, intentionally perpetrated these false instruments for the sole purpose of defrauding plaintiff's and the subject property.

(j). Which Was Relied Upon.

1. Plaintiff Relied Upon These vain falsities, and this reliance was intimately and directly related to the fraudulent documents and instruments complained of herein, to the extent that plaintiff had first believed these instruments to be true, because defendants induced this belief by the publication of the false matters in public record, and other public and personal disclosures sent to the plaintiffs, and even by mailing to the plaintiff, and placing these falsities on plaintiff's door.

(k) The Transaction Caused Injury To The Plaintiff.

1. This treacherous transaction, has caused undue hardship, severe financial loses, property losses, and extreme hardship to the plaintiffs. Plaintiffs have had to sustain the loss of the property, the actual value of the property, future value calculated to exceed well over \$1 million in financial losses
2. This transaction was covertly perpetrated by defendants, and in a conspiracy fashion has caused extreme emotional distress and pain whereby defendants subjected the plaintiffs to extreme and outrageous acts not normally tolerated by a decent society including the wrongful foreclosure and wrongful eviction

56. In accordance with the formal pleadings requirements for **FRAUD**, which provides that "the circumstances constituting the fraud shall be stated with particularity the plaintiff hereby specifically alleges "the time, place, and contents of the these false representations, made by the defendants as well as the identity of the person(s) making these representations, and further what those person(s) obtained thereby. Plaintiff shows the court the following:

Count 3: Fraud #3 - INC; DATED 9-24-14 AND RECORDED AS INSTRUMENT # 20141010730
Losses: \$350,000.00
FRAUDULENT SUBSTITUTION OF TRUSTEE FILED BY RTS PACIFIC, AT THE LOS ANGELES COUNTY RECORDERS OFFICE.

The SCAM Exposed:

Defendants executed a series of NOTICE OF TRUSTEE SALES as setforth in Exhibit 3 on the subject properties, but without having legal authority or standing, whereby defendants have fraudulent set themselves up as Trustees for the subject properties for purposes of committing theft and fraud against the properties, but under the guise of valid foreclosure sales. The truth is that nothing was actually paid for the property, and defendants have no actual cash receipt in its possession to support its purported sale against the property.

(a) **Time:**

The interval in time or period of duration for which this fraud was perpetrated by the by the defendants occurred between October 09, 2015 and October 09, 2015

(b) **Place:**

This place where this fraud occurred is at defendants own business offices and it was done via the United States Mail.

(c) **Content of the False representation:**

The content of the false representation is that defendants have paid certain monies in cash for the subject properties, but which in fact paid nothing! Not a single penny was spent on the purchase and it is alleged that the purchase and the trustee deed upon sale is fraud upon the court, fraud against the property, and fraud against plaintiffs.

(d) **Identity Of Persons Making The False Representation:**

The identify of the persons making the representation are the above named defendants, namely Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION, EAST END PROPERTIES, INC & DANIEL ARGENTO, and LOS ANGELES POLICE DEPARTMENT The proximate causes of this falsity are these exact persons.

(e) **What Those Person(s) Obtained:**

Defendants obtained a **wrongful Accounting Advantage** which constitutes Accounting and or Fraud Financial Fraud, and also obtained purported Ownership of the property, by now fraudulently listing plaintiff's real property as defendants own property, which constitutes an and **UNLAWFUL CONVERSION.** Defendants also obtained a legal advantage by making recording these false claims into public property records in support of its illegal covert operation.

(COMMON LAW FRAUD)

(f) A Material Misrepresentation was made by:

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

Further material misrepresentation exist in that defendants claims that they have the authority to assign a deed of trust, but which in fact they do not.

Another material misrepresentation is that defendants have purchased the property for cash as stated in the instrument, but which in fact paid nothing for the subject property, and thus there is no consideration for the sale as the purported sale was paid with fake or "monopoly" money rendering the sale null and void.

(g) The Misrepresentation Was False:

All of the above misrepresentations setforth in paragraph (f) above were FALSE and were made by the individually named defendants. Not only were these misrepresentation FALSE, these were intentionally non genuine, untrue false and treacherous false statements which was actually meant to deceive, mislead, and to give a false impression, or to induce the outright lie, that defendants had properly held a legitimate foreclosure sale

(h) This transaction was known to be false when made, or was asserted without knowledge of it's truth:

1. This transactions was known to be false by each of the above named four (4) defendants and they knew or should have known that when made these representations were indeed false.

2. Additionally, one or more of the defendants made or asserted the representations without knowledge of its truth, and the misrepresentation was made for purposes of committing the fraud.

(i) Which Was Intended To Be Acted Upon:

1. Defendants, and each of them individually, and collectively intended to act upon these fraudulent misrepresentation, and did in fact act upon these treacherous lies and misrepresentation as evidenced by fraudulent instruments which has been attached as Exhibits 1 thru 5 and made a part hereof.

2. Defendants, and each of them individually, and collectively and in a criminal manner, intentionally perpetrated these false instruments for the sole purpose of defrauding plaintiff's and the subject property.

(j). Which Was Relied Upon,

1. Plaintiff Relied Upon These vain falsities, and this reliance was intimately and directly related to the fraudulent documents and instruments complained of herein, to the extent that plaintiff had first believed these instruments to be true, because defendants induced this belief by the publication of the false matters in public record, and other public and personal disclosures sent to the plaintiffs, and even by mailing to the plaintiff, and placing these falsities on plaintiff's door.

(k) The Transaction Caused Injury To The Plaintiff.

1. This treacherous transaction, has caused undue hardship, severe financial loses, property losses, and extreme hardship to the plaintiffs. Plaintiffs have had to sustain the loss of the property, the actual value of the property, future value calculated to exceed well over \$1 million in financial losses

2. This transaction was covertly perpetrated by defendants, and in a conspiracy fashion has caused extreme emotional distress and pain whereby defendants subjected the plaintiffs to extreme and outrageous acts not normally tolerated by a decent society including the wrongful foreclosure and wrongful eviction

CONSPIRACY TO VIOLATE RACKETEER INFLUENCED CORRUPT
ORGANIZATIONS ACT - 18 USC §1961 et seq

DEFENDANTS CONSPIRED TO STEAL AND TO VIOLATE, AND DID VIOLATE THE
RACKETEER INFLUENCED CORRUPT ORGANIZATIONS ACT

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

57. Paragraphs 50-56, of this complaint are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each and every allegation, against each defendant above.

RICO VIOLATIONS:

58. Plaintiff reallege, as if fully set forth herein, each allegation above. It is specifically alleged that the defendants named herein **conspired among themselves** to violate sections 18 U.S.C. §1962(a)(b)(c) and section (d) by agreeing to conduct or participate in the affairs of the enterprises referred to in this complaint through a pattern of racketeering and activity and committed more than two acts of racketeering activity, as setout herein, one of which occurred after the effective date of this racketeering chapter and the last act which occurred after the effective date of racketeering chapter, and the last of which occurred within ten years (excluding any period of imprisonment).

59. The racketeering activity complained of herein above was in effect at the time of the filing of this lawsuit. The racketeering activity consisted of the fraud, embezzlement, extortion, mail fraud, and money laundering transactions as described herein.

CONSPIRACY TO VIOLATE RICO

60. At all times relevant herein, it is alleged that the defendants, their employees, agents, attorneys, and all other persons acting in concert or purporting to act as representatives for the defendants had devised a scheme or artifice to defraud, or to obtain the money or credit or property from the plaintiff by means of false or fraudulent pretenses, or to procure for unlawful use counterfeit devices or spurious coin, and other devices used to defraud for the sole purpose of defrauding plaintiff of rights or property and to unlawfully gain property rights rightfully and justly belonging to plaintiff's estate in violation of 18 U.S.C. §1341. It is specifically alleged that the named RICO individuals and enterprises, operate separate and distinct from each other.

COUNT 3: RACKETEERING:

R.I.C.O

SECTION 1962(a)

R.I.C.O

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III,LLC.

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

61. Paragraphs 50 thru 56, (***FRAUD***) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is specifically alleged that defendants **caused injury** to the plaintiff by reason of the use of the investment or use of racketeering income or financial credits derived by unjust means.

Plaintiff alleges that each time defendant defraud its customers, (including the plaintiff), an illegal income stream of cash is created, and this same cash is reinvested into defendants illegal operation.

62. The Injury is in the form of the **fraud and other unlawful acts described in the previous paragraphs** of this complaint.

63. The receipt of income from this illegal operation is directly related to cash flows obtained from the illegal billing and false invoices which are actually paid by customers. In particular, Section (a) was designed to prevent racketeers from using illegitimately obtained funds to invest in a legitimate business, to control of the legitimate business. 1962(a) provides in pertinent part that:

"It shall be unlawful for any person who has received any income derived directly or indirectly from a pattern of racketeering activity, or through collection of an unlawful debt, in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest directly or indirectly, any part of such income... in acquisition of any interest in the establishment or operation of any enterprise which is engaged in the .. interstate or foreign commerce."

64. It is alleged by the plaintiff, that defendants unlawful use of this racketeering income has caused further financial harm to the plaintiff because fraud complained of hereinabove also resulted in conversion, embezzlement, and theft of plaintiff's financial estate, and/or Real Estate Investment.

65. It is specifically alleged, that the named defendants independently committed the acts complained of and these unlawful, deceptive, and fraudulent acts are the proximate causes for the section 1962(a) violations.

R.I.C.O

VIOLATIONS OF SECTION 1962(b) and Section 1962 (c)

66. Paragraphs 50 thru 56 (FRAUD) and all preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is specifically alleged that defendants through a pattern of racketeering activity or through collection of an unlawful debt has acquired an interest or maintains an interest in or control the enterprise in which it is engaged. As setout in the introductory of this complaint, it is specifically alleged herein that defendants Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC EAST END PROPERTIES, INC & DANIEL ARGENTO REGIONAL TRUSTEE SERVICE CORPORATION and LOS ANGELES POLICE DEPARTMENT are "Enterprises" as defined in 18 U.S.C 1961 including all natural persons, corporations, and partnerships. The existence of these Enterprises are self-evident from their fraudulent acts and other illegal and corrupt matters complained of herein. These RICO defendants are separate and distinct from the enterprise that it controls. The nature of the association between the RICO defendant and the RICO Enterprises is such that the RICO defendant utilize the Enterprise to steal in connections with accounts, loans, and monies gained unlawfully. The RICO organization is ongoing and was operating as of the date of the filing of this lawsuit. For example, such fraud, theft, conversion, and embezzlement as complained of herein, especially in paragraphs 39, thru 45 of this complaint uncovers and exposes the nature of RICO defendants with the RICO enterprises. It is specifically alleged that the RICO defendants maintains an ongoing interest in the RICO enterprises as complained of herein above.

Section 1962(c)

67. It is specifically alleged that the defendants, each of them, including the DOE's operate through an enterprise which affect interstate commerce as setout above. As stated in the introduction these defendants are "persons" as defined in 18 U.S.C. Section 1961 (3) and are employed or associated with the enterprise as explained above. An injury to Plaintiff's business or personal property resulted by reason of a violation herein. The injury was in the form of monies and property lost as explained in the fraud claims, and all other previous sections of this complaint.

R.I.C.O

White Collar Crimes Against The Estate Of Plaintiff

COUNT 3: RACKETEERING:

68. Plaintiff reallege, as if fully set forth herein, each allegation above. It is specifically alleged herein that Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC and defendants EAST END PROPERTIES, INC & DANIEL ARGENTO committed multiple acts of white collar crimes against the named plaintiff, and against the estate of the plaintiff. The defendants REGIONAL TRUSTEE SERVICE CORPORATION and LOS ANGELES POLICE DEPARTMENT committed the following non-exclusive white collar crimes which includes, but is not limited to all of the following:

- a. Computer Fraud,
- b. Mail Fraud,
- c. Wire Fraud,
- d. Financial Fraud,
- e. Conspiracy,
- f. Embezzlement
- g. Theft,
- h. Money Laundering, and
- i. Racketeering.

COMPUTER FRAUD SCAMS

69. Plaintiff's reallege, as if fully set forth herein, each allegation above. With respect to the computer fraud complained of hereinabove, it is specifically alleged that the named defendants deployed the tactics of using personal computers, and their own computer network, including the electronic routing equipment, and other access devices in order to accomplish the fraud and illegal transactions complained of herein. The computer fraud scams consisted of, but was not limited to all of the following:

(a) Deploying malicious Computer software programs over the defendants computer network to automatically enter false data into computer memory and false charges to the accounting files and data bases with respect to the plaintiff's account, or an account created for plaintiff and,

(b) Using **ROBO-SIGNERS**, fictitious persons, false names, real employees and agents to enter and modify data over defendants own computer network, falsifying sales, purposely generating false amounts for the sole purpose of stealing, and perpetrating an unlawful foreclosure.

R.I.C.O

COUNT 3: RACKETEERING:

(c) Printing, filing, and mailing these false documents to plaintiff, for the sole purpose of harassment, and obtaining an unjust economic advantage over the plaintiff by forwarding false and fraudulent matters in the U.S. mails, and which was unlawfully delivered to the plaintiff address in violation of 18 USC sec 1341 relating to frauds and swindles, and,

(d) Unlawful access to the defendant's computer system without authorization by employees or agents operating separately in a conspiracy to defraud which is firmly based upon all of the conflicting amounts and false information published by the defendants, and,

(e) Using a computer to manufacturer false deeds, false mortgages, and false liens for purposes of defrauding plaintiff(s) estate, and the real property complained of herein, and then subsequently filing these false instruments in public property records to make it appear that defendants have an interest in the subject property, but which in fact do not, and,

(f) Using a Computer to create ROBO-SIGNERS, or false and fictitious persons for the sole purpose of manufacturing false documents, affidavits, and for filing in public property records to make it appear that these ROBO-SIGNERS, are somehow real, and for making false and fraudulent affidavits which are subsequently filed in public records to make it appear that defendants have an interest in the subject property, but which in fact do not, and,

(g) Using a Computer system to manufacturer false amounts, and instruments for purposes of conversion, and unlawful money laundering acts related to the subject property.

FINANCIAL FRAUD SCAMS

70. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is specifically alleged that the defendants committed financial institution fraud within defendant's organization which involves the fraud or embezzlement as complained of herein and occurring within or against financial institutions that are insured or regulated by the U.S. Government such as defendants.

71. The financial fraud, included but was not necessarily limited to corporate fraud or fraud against plaintiff's property, or real estate, but also embezzlement, theft, and willful misapplication of the moneys, funds, transfer or credits by these defendants in violation of Title 18 USC, Chapter 31, Sec 656. (Rackeeteer Influenced Corrupt Organizations Act)

72. It is specifically alleged that defendants acts are the proximate causes of the Racketeering Acts complained of herein.

R.I.C.O

SECTION 1962(d) - CONSPIRACY

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III,LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

73. Paragraphs 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is specifically alleged that the named defendants, including their agents, employees, attorneys, and representatives, conspired to violate sections (a)(b) and (c) above. The facts related to the fraud and the scam are pleaded in particularity in paragraphs 34, 36, and 38, in accordance with Rule 9(b) of the Federal Rules Of Civil Procedure.

74. Moreover, the facts containing the fraud and conspiracy are setforth therein. The object and accomplishment lie in the fraud and accomplished unlawful economic advantage that was gained over the plaintiff and more particularly described in above paragraphs.

75. The Agreement: The conspiracy lies in the fact that these defendants agreed amongst themselves to violate section (a)(b) and (c) above by collectively committing the acts and fraud complained of herein.

76. The whole evil object of the diabolical scam was to trick, harass, defraud, and gain an undue economic advantage over the plaintiff.

77. Defendants wrongful and unlawful acts are the proximate causes for the 1962(d) Conspiracy.

78. Defendants are individually, and jointly liable to the plaintiff(s) for the said illegal and wrongful acts complained of herein.

79. The cause of action for Racketeering is asserted against each defendant, individually, and it is alleged that each defendant committed the unlawful acts individually, and is personally liable to the plaintiff for the outrageous and hideous acts committed by them.

80. It is further alleged that each and every defendant formed a conspiracy to commit the acts complained of, and are therefore jointly liable for the said acts.

**COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTIONS
PRACTICES ACTS 15 USC §1697**

**BY VIRTUE OF ITS FRAUDULENT AND MISLEADING REPRESENTATIONS DEFENDANTS
AND EACH OF THEM HAVE INTENTIONALLY AND WILLFULLY VIOLATED THE FAIR DEBT
COLLECTION PRACTICES ACT**

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III,LLC, REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

81. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is specifically alleged herein that the named defendants conspired among themselves to violate the Fair Debt Collections Practices Act, by engaging in abusive, deceptive, and unfair debt collection practices and unconscionable acts which consisted of harassment, abuse, false and misleading or fraudulent conduct complained of above, and which acts were done intentionally to harass, oppress, or abuse the plaintiff in connection of a debt or an alleged debt claimed by the defendants. Paragraphs 50-56 (FRAUD) is incorporated herein, as if fully set forth herein by reference.

82. Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III,LLC, and REGIONAL TRUSTEE SERVICE CORPORATION also mismanaged the EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT plaintiff's purported account established by defendants by improperly "stealing" and/or laundering monies or credits in favor of themselves directly from the plaintiff's account with the improper and illegal use of a computer system by fraudulently inputting unauthorized credits or unauthorized amounts of money and misrepresenting these charges as valid "charges".

83. These improper computer entries, or so-called "charges" claim to represent monies owed by the plaintiff, but these are nothing more than "illegal data entry or charges" which was improperly entered into the defendant's computer system or financial record.

84. These same fraudulent charges are then transferred on the accounting books or credited directly to defendants in the form of credits while resulting in wrongful debit transactions for the plaintiff, and which plaintiff is not really required to pay.

85. These types of accounting misrepresentations are common occurrences for defendants, and

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III,LLC, refuses to reverse such unlawful entries even after promising or after complaints are made, but never does, and results in negligent misrepresentations without support for such charges, resulting in fraud, theft, and embezzlement using plaintiff's account.

COUNT 4: FAIR DEBT COLLECTION PRACTICES:

86. Plaintiff's reallege, as if fully set forth herein, each allegation above.

The following **nonexclusive list of acts** were committed by the defendants named herein against the plaintiff in furtherance of the conspiracy and/or violations of law complained of herein:

(a) The defendants made several false, deceptive, misleading or false representations to the plaintiff, as specifically described in **Fraud Count #1, Fraud Count #2, Fraud Claim #3** as abundantly set forth in **paragraphs 50 thru 56** of this complaint.

(b) Misrepresenting the character, amount, or legal status of debt; by overstating the amounts actually owed to them, or by making up imaginary amounts which do not really exist, and,

(c) Misrepresenting services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt, and,

(d) Misrepresenting and abusing the use of Attorneys to perform evictions, or other representatives to collect debts which are not owed to the defendants, and,

(e) Publicly publishing plaintiff's name in court or other public places which falsely alleged that plaintiff owes a debt, or refuse to pay a debt; especially certain debts not owed to the defendants, and,

(f) Sending several unfounded invoices and bills by the defendants representatives or attorney of record, or other employees and agents of the defendants; and,

(g) The use of negligent, false representations, or deceptive means to collect, or attempt to collect a false debt such as **debts which are already satisfied** or **debts not actually owed to the defendants**; and,

(h) Negligent, and Intentional failure to follow up in good faith on "disputed debts" with the plaintiff after plaintiff advised defendants that the alleged debt was in fact disputed and no such debts were actually owed to the defendants; and,

(i) Prosecuting or threatening to prosecute a malicious and adverse action against the plaintiff and/or plaintiff's legal estate for debts which are not really owed to the defendants; and,

(j) Attempts to collect improper debts which were fraudulently entered into a computer system by defendant's employees or executing or causing to execute a malicious computer program operating within computing environment; and,

(k) Knowingly filing a fraudulent lien or claim (not owed to the defendants) against plaintiff's legal estate in violation of the **California DECEPTIVE TRADE PRACTICE ACT** or otherwise severe violations of the consumer protection laws of the state of **California**.

(l) Filing harassing legal actions or legal letters in proceedings, which make fraudulent financial claims to harass the plaintiff in an attempt to extort or embezzle assets are not owed to them, and,

(m) Continuing to knowingly, and intentionally misrepresent debts owed and committing all of the above fraudulent acts complained of herein as of the date of the filing of this complaint.

COUNT 4: FAIR DEBT COLLECTION PRACTICES:

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INTENTIONAL DEBT HARASSMENT

87. Plaintiff(s) reallege, as if fully set forth herein, each allegation from above. The preceding paragraphs are incorporated herein as if fully set forth herein. Plaintiff alleges that the fraudulent and misrepresented amounts complained of herein above are indeed fraudulent were sent to the plaintiff intentionally, and with full knowledge that this debt was not owed to the defendants.

88. Plaintiff asserts that the intentional pursuit and collection of this unlawful debt constitutes intentional knowledge and was with malice, for purposes to defraud, and to ultimately harass the plaintiff. Further the intentional harassment of the **FRAUD** complained of in paragraphs 50 thru 56 of this complaint constitute intentional fraud and financial crimes perpetrated against the financial estate of the plaintiff. These acts were no mere mistakes or oversights, but were intentional. Thus plaintiff is entitled to punitive damages against the defendants in amount yet to be determined by this court.

THE DEFENDANTS UNLAWFUL ACTS WERE INTENTIONAL

89. The Defendants ongoing negligence, decision to harass, oppress, the plaintiff, and to inflict the wrongful and unlawful acts complained of herein, continuously harassing plaintiff, defrauding public records with untrue information, providing fraudulent notices, invoices, and fraudulent amounts, taking improper legal action without just cause, processing improper collection actions, conspiring to violate Federal Consumer Protections laws and other state laws as complained of herein was intentional, malicious, and without just cause or reason and was done with malice with an intent to torment and harass the plaintiff.

90. Plaintiff as a direct and proximate result of such wrongful actions by the defendants, **suffered great mental anguish**, and **emotional distress**, including but not limited to, headaches, physical pain, anxiety, and fear for the future and for plaintiff's financial security. Plaintiff has suffered humiliation and embarrassment as a result of the **intentional** and unlawful acts of the defendants complained of herein. Plaintiff is entitled to **treble damages** as a result of these intentional, and malicious acts of the defendant.

COUNT 4: FAIR DEBT COLLECTION PRACTICES:

91. Eduardo Menjivar & Nana I AM is/are entitled to have Defendants apply servicing procedures in ways that do not result in fraud, negligence, misrepresentation or in ways that do not result in any unauthorized and fraudulent charges assessed that result in breach of contract. The implied term of the contracts required defendants to service Plaintiff's purported account with professional competence, and due care, and to cooperate in the performance of the contracts, and to reasonably execute the contracts in a fair, even handed and reasonable manner. Defendants have been the actual causes of these breaches and have clearly breached this duty. The infliction of punitive damages, with sanctions, should thus be imposed upon the defendants by this court.

92. Plaintiff's reallege each and every paragraph, as if fully set forth herein, each allegation above. These defendant's actions are unfair and/or deceptive within the meaning of the

California Deceptive Trade Practices Act or the consumer protection laws of the state of California. For all practical purposes of this complaint, plaintiff(s) is/are a consumer under the consumer protection laws of the above mention state.

93. Defendant's actions have the tendency or capacity to mislead plaintiff about the amounts actually owed to defendants. The various conflicting amounts without valid supporting evidence or the plaintiff's permission or authorization demonstrates that defendant's fraud against the plaintiff(s) knows no bounds.

94. As plainly illustrated these treacherous defendants have stooped to the lowest level of deceit, trickery, and fraud in order to mislead, or gain an undue economic advantage over the plaintiff(s) Eduardo Menjivar & Nana I AM

95. Defendants fails to utilize due care or professional competence in the administration of the Plaintiff's account resulting in negligence and gross negligence.

96. Defendants general course of conduct has an impact on the public interest, and the acts complained of herein are ongoing and/or have a substantial likelihood of being repeated.

97. It is alleged that said unlawful conduct by the defendants are the proximate causes for violations of fair debt collections practices act.

Violations of the Consumer Credit Protection Act

(Truth in Lending - 15 U.S.C. §1601, et seq)

Wells Fargo Bank, NA , GENESIS CAPITAL MASTER FUND III, LLC and REGIONAL TRUSTEE SERVICE CORPORATION
EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

98. Plaintiff reallege, as if fully set forth herein, each allegation above.

99. It is specifically alleged herein that each defendants, individually, committed the acts and by their fraudulent acts and failure to make certain required financial disclosures regarding credit and financial transactions, have violated the Federal Consumer Credit Protection Act.

100. Defendants have improperly offered credit sales, to its customers and to the plaintiff, but has failed to adequately disclose cost disclosures in order to assure a meaningful disclosure of the terms of leases of personal property for personal, family, or household purposes so as to enable the plaintiff, and its customers, to compare more readily the various lease terms available or to enable comparison of loan or lease terms with accurate disclosures as required by law.

101. As a result of defendants fraudulent acts and other excessive unfounded charges, the interest rate attached to the plaintiff's purported account with defendants is automatically increased, without proper disclosure, beyond any prior agreed upon amounts for the interest rate. Moreover, defendants fraudulent practices results in undisclosed or hidden interest rates or finance charges which cannot be determined in connection with any consumer credit transaction as required by governing law.

102. Wells Fargo Bank, NA , GENESIS CAPITAL MASTER FUND III, LLC and REGIONAL TRUSTEE SERVICE CORPORATION have willfully given fraudulent, false, or inaccurate information to the plaintiff(s), or fails to provide information which is required under law under the provisions of 15 U.S.C. §1601, et seq and is thus criminally liable for its willful and fraudulent acts against the plaintiff's financial estate with regards to the disputed account(s) complained of in this lawsuit. Defendants are thus liable to criminal prosecution under Section §112. (Criminal liability for willful and knowing violation) and are liable to the plaintiff in this lawsuit due to these criminal acts committed against the financial estate of the plaintiff.

COUNT 6:

COMPLAINT FOR EQUAL RIGHTS UNDER LAW

(42 U.S.C. §1981)

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

103. The preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff incorporates paragraphs 50-56 as if fully set forth herein. The personal property, constitutional rights, and legal rights of the plaintiff(s) with respect to personal property, and real property have been violated as set out herein.

104. The Civil Rights of the plaintiff with respect to the subject property have been violated as set out herein above. Specifically, the defendants have deprived plaintiff of the right to actual value and also the right of possession of the said property has been threatened or taken by way of fraud in violation of the express provisions and violations of 42 U.S.C. section of §1981 and §1983.

105. The defendants and each of them, individually, are thus liable to the plaintiff for the fraudulent and unlawful acts complained of herein, and the fraud complained of in paragraphs 50 thru 56.

106. Further the defendants have deprived plaintiff of the right to make and enforce contracts with third parties in express violation of 42 U.S.C. section §1981.

107. Further, the defendants and each of them, individually, and collectively are liable to the plaintiff for the deprivation of such rights and the said deprivation of rights have violated both 42 USC §1981 and 42 U.S.C. §1983.

108. Defendants, and each of them, are thus liable to the plaintiff for the acts complained of herein. Further the defendants have deprived plaintiff of the right to make and enforce contracts with third parties in express violation of 42 U.S.C. section §1981.

109. It is specifically alleged that the acts of Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC, and REGIONAL TRUSTEE SERVICE CORPORATION
and EAST END PROPERTIES, INC & DANIEL
ARGENTO and LOS ANGELES POLICE DEPARTMENT are the proximate causes for the alleged violations and deprivations of Equal Rights under the law and specifically the proximate causes for violations of 42. U.S.C. section §1981.

COUNT 7:

CIVIL ACTION FOR DEPRIVATION OF RIGHTS

RECOVERY OF PROPERTY

(42 U.S.C. §1983)

MALICIOUS PROSECUTION

Wells Fargo Bank, NA , GENESIS CAPITAL
MASTER FUND III,LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

110. The preceding paragraphs and paragraphs **50-56** are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff realleges, as if fully setforth here, each allegation above. The rights of the plaintiff with respect to personal property have been violated as setout herein above. Specifically, the defendants have deprived plaintiff of the right to actual value and also the right of possession of the said property by way of **fraud** in violation of the express provisions and violations of 42 U.S.C. §1983.

111. Defendants, and each of them, are thus liable to the plaintiff for the acts complained of herein. Further the defendants have deprived plaintiff of the right to make and enforce contracts with third parties in express violation of 42 U.S.C. section §1981.

112. The named defendants in this action, and each of them, individually, and collectively are liable to the plaintiff for the deprivation of such rights and the said deprivation of rights have violated **42 U.S.C. §1983.** It is alleged that each defendant individually committed the acts.

113. Additionally, defendant's abused of process, including the intentionally and maliciously instituting or pursuing legal actions brought without probable cause constitutes "malicious prosecution" in violation of the express provisions of **42 U.S.C. §1983.**

114. The outright taking, or theft of personal and real property was done under the guise of propriety, but which was baseless, and fraudulent in nature.

115. It is specifically alleged that the **FRAUD** and the other unlawful acts of defendants, was the proximate causes of the losses and the deprivation of plaintiff's civil rights herein.

116. As a result of these **outrageous violations**, defendants are **subject to punitive damages.**

COUNT 8

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

(42 U.S.C. §1985)

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III,LLC.

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

117. The previous paragraphs are incorporated herein by reference. Plaintiff realleges, as if fully set forth here, each allegation above. The rights of the plaintiff with respect to his personal property have been violated. The **FRAUD** complained of in paragraphs 50--56 is **illegal and despicable**.

118. Specifically, the defendants have interfered with of the private and personal rights to real estate, to actual value and also the **civil right of possession** of the said property, and **this was done by way of fraud**, in the violations of 42 U.S.C. section 1985 whereby the defendants and each of them have collectively or individually have conspired to violate plaintiff rights under **42 U.S.C 1985**.

119. The defendants are thus liable to the plaintiff for the acts complained of herein and to be trebled on judgment. Further the defendants have interfered with and deprived plaintiff of the right to make and enforce contracts with third parties in express violation of **42 U.S.C. section 1981**.

110. The defendants and each of them, individually, and collectively, committed the acts and are liable to the plaintiff(s) for the deprivation of such rights.

111. Defendants acts are the proximate causes for said the Conspiracy to Interfere with Civil Rights, and the said interference has severely damaged the plaintiff(s), and plaintiff(s) is/are entitle to redress.

112. Defendants interference was intentional and has cause great harm to the plaintiff(s), including financial harm, damage to the estate, and mental harm which has completely devastated the plaintiff(s) due to defendants wrongful acts.

113. As a result of these **outrageous violations**, defendants are **subject to punitive damages**.

COUNT 9

CONSPIRACY AGAINST RIGHTS

18 U.S.C. §241)

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

114. The preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff realleges, as if fully set forth here, each allegation above, including the fraud allegations set forth in paragraphs 50-56.

115. The rights of the plaintiff with respect to personal property have been violated as set out herein above whereby the named defendants, and each of them, individually, has conspired to injure, oppress, threaten or intimidate the plaintiff in an attempt to deprive plaintiff of possession of property, and/or the enjoyment of any right or privilege secured by the Constitution or the laws of the United States of America.

116. It is specifically alleged herein, the defendants attempted to prevent plaintiff's free exercise or enjoyment of the property complained about in this lawsuit, including, but not limited to the fraud and other matters complained of in lawsuit.

117. Defendants acts are the proximate causes for the said conspiracy against rights.

118. By conspiring against the civil and constitutional rights of the plaintiff, defendants have violated the laws of the United States of America, and have had scorn for such laws, and have further sought to undermine the American Jurisprudence system, and in essence has become an enemy to the United States Constitution and the Constitution of the State of California

119. The defendants and each of them, individually, have committed the said acts, and are thus individually and collectively liable to the plaintiff(s) for the illegal conspiracy against such rights.

120. It is specifically alleged that the Conspiracy Against rights as complained of herein, are criminal acts perpetrated by the defendants, and the defendants are subject to criminal prosecution for the said unlawful conspiracy, and this court should refer this matter to the U.S. Department of Justice for follow up to investigate the criminal acts complained of herein.

BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

121. The preceding paragraphs and paragraphs 50-56 (FRAUD) are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is alleged herein that the defendants had a fiduciary responsibility to the plaintiffs and this responsibility was unlawfully breached by defendants by way of their fraudulent and misleading conduct. Defendants as fiduciary are therefore liable to the plaintiff to account because the defendants have unlawfully profited, benefited or gain or took undue and unfair advantage of its fiduciary position all at the expense of the plaintiff.

122. Defendants compromised their interest and duty to the plaintiff and placed themselves in a position where their interest and duty conflicted with the plaintiff's civil rights. It is specifically alleged herein that each defendant profited from it fiduciary position and these profits were gained by illegal and fraudulent means as described herein above.

123. The Breach of Duty of Good Faith and Fair Dealing was clearly breached by these defendants, including their employees, contractors, agents, attorneys, representatives, and all those individuals purporting to represent defendants in the transactions complained of in this complaint, and defendants are thus jointly liable for their breaches.

124. It is alleged herein that defendants breaches are the proximate causes for the damages complained of herein.

125. Plaintiff(s) has suffered from these breaches and defendants must restore all property which was taken by fraud, theft, embezzlement, conversion, or by other means as a result of the breaches herein.

126. It is further alleged that each of the defendants, individually, committed the outrageous and extreme acts, and are personally liable to the plaintiff(s) Eduardo Menjivar & Nana I AM

COUNT 11: BREACH OF CONTRACTWells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC.

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

127. Paragraphs 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Defendants have pursued an unlawful course of action which resulted in the material breach of duty or breach of contract in violation of governing law. Defendant's material breach in this case was the defendant's failure to perform by properly managing the plaintiff's account with the defendants. It is further alleged that defendant's failure to render or to offer performance is material, and the following circumstances were significant as a matter of law:

- (a) The plaintiff(s) who are/is the injured party will be deprived of the benefit which was reasonably expected from doing business or being affiliated with defendants, and;
- (b) The plaintiff(s) cannot be adequately compensated for the part of that benefit of which plaintiffs was/were deprived;
- (c) Defendant's failure to perform or to offer to perform will not suffer, but will and has burden the plaintiff as a result of its breaches; and,
- (d) Defendant's likelihood to continue its breaches is highly probable, and will continue to harm the plaintiff if not enjoined by this court; and,
- (e) Defendants failure to perform or to offer to perform does not comports with standards of good faith and fair dealing.

128. **Fundamental breach:** It is specifically alleged herein that defendant breaches were fundamental breach (or repudiatory breach) so fundamental that these breaches permits the plaintiff to terminate performance of the contract, or any alleged contract and further plaintiff is entitled to sue for damages as a result of defendants breaches. Defendants actions are the proximate causes of the breaches complained of herein.

129. **Anticipatory breach:** Is is alleged that defendant's breaches were anticipatory repudiation in nature and was an unequivocal indication that these defendants will not perform when performance is due, or defendant future guarantee of non-performance is inevitable which gives the plaintiff the right to terminate the contract and sue for damages without further waiting for any further breaches to actually take transpire.

TORTIOUS INTERFERENCE WITH BUSINESS CONTRACTS

Wells Fargo Bank, NA , GENESIS CAPITAL MASTER FUND III,LLC REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

130. The preceding paragraphs, including the fraud of paragraphs 50-56, are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. By it fraudulent conduct defendants have willfully, and intentionally damaged the plaintiff's contractual or other business relationships with defendant. It is specifically alleged that tortuous interference with contract rights has occur because the tortfeasor defendant has convinced it co-conspirator to breach the contract against the plaintiff, by committing the **fraud** complained of herein. Moreover the defendant through its pattern of corruption has disrupted the ability of the plaintiff to perform obligations under the contract, thereby preventing the plaintiff from receiving the performance promised by defendants, or their agents.

131. Tortious interference of business.- The false claims and accusations made against plaintiff constituted a tortious interference with business for which the defendants are jointly liable. A tortious interference of the contract between plaintiff and defendant occurred when the defendant committed the fraud and the other unlawful acts complained of herein. It is specifically alleged herein that:

- (a) There was a existence of a contractual relationship or beneficial business relationship between plaintiff and defendant, or **other third party**, and,
- (b) Defendants agents and employees had knowledge of this relationship; and,
- (c) There was Intent of third parties such as defendant employees, agents and representatives to induce the defendant to breach the relationship; and,
- (d) There was lack of any privilege on the part of any third parties to induce the breach; and,
- (e) There was extensive damage to the plaintiff as a result of the said breach.

132. Defendants breaches are the proximate causes of the damages complained of herein and these damages occurred as a result of the breaches. Defendants are therefore liable as a result of these breaches and because the interference complained of has interfered with contract rights and has disrupted the ability of the defendants to perform its obligations under the contract, thereby preventing the plaintiff from receiving the performance promised by defendants..

COUNT 13:

California DECEPTIVE TRADE PRACTICES

Deceptive Trade Practices of: Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, **and** REGIONAL TRUSTEE SERVICE CORPORATION
EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

133. Paragraphs 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff is a consumer as defined under the consumer protection laws of this state. Defendants have violated the statutory provisions of deceptive trade practices and the Uniformed Deceptive Trade Practices act of this state and the unconscionable and despicable and unlawful acts are condemned by the Consumer protection laws of this state.

134. Specifically, the defendants have committed unconscionable acts or took unlawful courses of actions or engaged in illegal practices which violated the Deceptive Trade Practices statutes of this state to the plaintiff detriment, or took unfair advantage of the lack of knowledge, ability, experience, or capacity of the plaintiff. Defendants committed the following non-exclusive acts which violate the Deceptive Trade Practices Laws of the this state.

- (a) The **FRAUD** committed and complained of in previous paragraphs of this complaint, and,
- (b) The conspiracy, unlawful debt harassment practices, conversions, and theft complained of,
- (c) The unlawful dissemination of false statements that defendant knows materially misrepresents the cost or character of tangible personal property, a security, service, and,
- (d) The misrepresentation of attorneys or other representatives in the collection of a debt which is not owed to the defendants which is clearly setout herein, and,
- (e) The forwarding for false and misleading bills, invoices or amounts in the U.S. Mail, and,
- (f) The misrepresentation of the character amount owed to the defendants, and,
- (g) The addition of false charges to the plaintiff account, and,
- (h) The accounting fraud complained of herein, and,
- (i) Took undue advantage of plaintiffs) to a grossly unfair degree in violation of law.
- (j) The falsifying of foreclosure documents and **misrepresentation made** relative to **foreclosure**.

**US CONSTITUTION VIOLATIONS
INVASION OF PRIVACY**

COUNT 14: VIOLATION OF THE U.S. CONSTITUTION

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

135. Paragraphs 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Defendants willful, negligent, and fraudulent acts against the plaintiff, including the deprivation of rights, the conspiracy against rights, and the other matters complained of, all constitute violations of the plaintiff's Constitutional rights as a matter of law.

136. Defendants have unlawfully trespassed on the constitutional and privacy rights of the plaintiff in violation of The 1st, 4th, 9th, and Fourth Amendment which provides that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." "At the very core" of the Fourth Amendment "stands the right of a man to retreat into his own home and there be free from unreasonable intrusion and violation of plaintiff's Fourth Amendment rights from trespassory violation of property, see *Rakas v. Illinois*, 439 U.S. 128, 143 (1978).

VIOLATIONS OF THE CONSTITUTION OF THE STATE OF California

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

137. Paragraphs 9 thru 15 (**FRAUD**) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Defendants willful, negligent, and fraudulent acts against the plaintiff, including the deprivation of rights, the conspiracy against rights, and the other matters complained of, all constitute violations of the plaintiff's State Constitutional rights on the Constitution of the State of **California**

138. Specifically, defendants conduct has violated Article 1, 2, and each and every Article which provides for the protection and the privacy rights of Citizens of this State.

139. Plaintiff(s) alleged that defendants acts are the proximate causes for the invasion of privacy.

COUNT 15:

COMPLAINT FOR TRESPASS

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III,LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

138. The preceding paragraphs, including the fraud described on pages 50-56 are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. The unlawful acts complained of herein, including but not limited to, the fraud, negligent misrepresentation the embezzlement, conversion, conspiracy, violation of civil rights, and denial of civil rights, all constitute trespass under common law upon the personal property rights of the plaintiff.

139. The effect of defendants' unlawful conduct, as described in prior paragraphs and the previous sections of this complaint has the effect of conduct that has produced irreparable damage to plaintiff, for example, to prevent plaintiff's ingress to and egress from the property described in paragraphs 50-56, and pages 16 thru 22 (FRAUD) complained of herein resulting in the complete exclusion of the plaintiff in violation of plaintiff protected civil rights.

140. Defendants threaten and assert that they will continue to trespass, and therefore continue to deprive plaintiff of plaintiff's right to exclusive possession of the property. Such trespassory conduct by defendants will result in irreparable harm to plaintiff, as in that be irreparable nature of injury, such as it will not only deprive plaintiff of access to land, but if left unrestrained, will result in the imposition of a servient easement in favor of defendants across the land, thereby posing a threat to plaintiff's good and marketable title to the property.

141. The potential damages that could proximately result from defendants' unlawful trespass would be extremely difficult, if not impossible, to assess accurately. Defendants' continuing trespassory conduct, as alleged in this complaint, will require plaintiff to bring a multiplicity of actions to protect plaintiff's property interests, thereby rendering plaintiff's remedy at law inadequate. The fraud, complained of in paragraphs 50 thru 56 and other paragraphs of this complaint constitute, malice, or oppression and plaintiff is entitled to recover punitive damages.

COUNT 16: CIVIL CONSPIRACY

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

142. The preceding paragraphs, including the fraud in pages 16-22, are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. It is alleged herein that defendants committed a Civil Conspiracy based upon the fraud and negligent misrepresentation, and other unlawful matters complained of herein, and there was an agreement between the two named defendants and/or defendant's agents and employees to steal and/or break the law or to achieve a lawful aim by unlawful means such as by sending plaintiff a fraudulent bills, invoices, and amounts not owed to the defendants and the agreement to conspire was made orally or was implied by the unlawful conduct of the defendants.

143. 'The elements of this civil conspiracy were specifically the formation and operation of the conspiracy and the financial damage which resulted to plaintiff from an defendants act or acts done in furtherance of the common design of the fraud complained of herein. Therefore it is specifically alleged that significance of the conspiracy lies in the fact that it renders each and every participant in the wrongful acts complained of herein responsible as a joint tortfeasor for all damages ensuing from the wrong, irrespective of whether or not he was a direct actor and regardless of the degree of his activity.' (Doctors' Co. v. Superior Court (1989) 49 Cal.3d 44, citing Mox Incorporated v. Woods (1927) 202 Cal. 675, 677-78.)' (Id. at 511.)

144. Liability Of All Defendants: 'The well formed doctrine of Civil Conspiracy, imposes liability on persons who, although not actually committing a tort themselves, share with the immediate tortfeasors a common plan or design in its perpetration. By these defendants participation in this civil conspiracy, all coconspirators. including all employees, agents, & representatives, are liable.

145. This *Civil Conspiracy* arose from one or more or all of the torts complained of herein and by its nature, the tort liability arising from the conspiracy presupposes that the named defendants are coconspirators were legally capable of committing the tort, i.e., that he or she owes a duty to plaintiff recognized by law and is potentially subject to liability for breach of that duty.' (Allied Equipment Corp. v. Litton Saudi Arabia Ltd., supra, 7 Cal.4th at 510-11.)

COUNT 17: - UNJUST ENRICHMENT

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, L.L.C. REGIONAL TRUSTEE SERVICE CORPORATION EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT

146. The preceding paragraphs including the **FRAUD** complained of, are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. The defendants have been unjustly enriched at the expense of the plaintiff, and are obligated to make restitution regardless of liability for wrongdoing. It is specifically alleged that:

- (a) Defendants have been enriched by the fraud and unlawful acts complained of herein, and
- (b) Defendants have deprived plaintiff of the use of assets stolen by this unjust enrichment, and,
- (c) The enrichment was at the expense of the plaintiff, and,
- (d) The Plaintiff has been impoverished as a result of the enrichment, and
- (e) There is a nexus or connection between the enrichment and the impoverishment, and,
- (f) The enrichment was unjust because it was based upon fraud as setforth herein, and
- (g) Defendants do not have a defense for this unjust enrichment, and
- (h) Remedies are unavailable to the plaintiff to immediately recover damages from the unjust enrichment.

147. Defendants have thus received money or other property through no effort of their own, at the expense of plaintiff, the defendants are required as a matter of law, to return the property to the rightful owner, which is the plaintiff, even if the property was not obtained illegally.

148. It is specifically alleged that defendants are opportunists, stealing from the plaintiff and others so that they can live in the lap of luxury, creating wealth and position through fraud, and schemes to obtain money, or other property through no effort or work of their own, and this unlawful profiteering scheme has caused great financial damage to the plaintiff.

149. It is specifically alleged that the **Unjust Enrichment** scams complained of herein are crimes committed against the financial estate of the plaintiff and the said unjust enrichment schemes was done with full knowledge of the scheme with the sole intent of unlawfully depriving and robbing plaintiff of financial assets at the unfortunate expense of the plaintiff(s).

COUNT 18: NEGLIGENT MISREPRESENTATION

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

150. Paragraphs 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff realleges, as if fully set forth here, each allegation above. It is specifically alleged herein that the defendants, and each of them individually, committed fraudulent and negligent misrepresentations because these misrepresentations were made recklessly was made with the intent to deceive and with full knowledge that these misrepresentation as setout herein above. Moreover, defendants are liable to the plaintiff under common law Negligent Misrepresentation because these insidious and fiendish representations were made carelessly while having no reasonable reasons for believing these to be true. Plaintiff asserts that the law makes provisions for damages in situations, such as this in order to recover damages from the tortfeasors. Plaintiff relied upon these representations as set forth in the fraud claims, specifically described in paragraphs 39-45 herein.

151. As also seen in the case of Hedley Byrne v. Heller [1964] A.C. 465 the Supreme Court found that a statement made negligently that was relied upon can be actionable in tort. Lord Denning in Esso Petroleum Co. Ltd. v. Mardon [1976] Q.B. 108 however, transported the tort into contract law, stating the rule as:

"if a man, who has or professes to have special knowledge or skill, makes a representation by virtue thereof to another...with the intention of inducing him to enter into a contract with him, he is under a duty to use reasonable care to see that the representation is correct, and that the advice, information or opinion is reliable There is also negligent misrepresentation in Statute, with the introduction of the Misrepresentation Act 1967, when dealing with a negligent misrepresentation it is better for an action to be brought under statute law as the burden of proof that is required passes to the person who made the statement. So it is for the person who made the negligent statement to prove that the statement was either not one of fact but opinion and that they truly believed the statement to be true at the time of making it."

152. Plaintiff(s) is/are therefore entitle to relief on this claim for Negligent Misrepresentation as described herein, because the evidence of fraud described in paragraphs 50 thru 56 weighs heavily against these defendants and the attachments to this lawsuit shows clear and convincing evidence that plaintiffs is/are entitled to relief. Plaintiff is entitled to recovery of the actual amount of the misrepresentation, injunctive relief, along with punitive and/or exemplary damages.

COUNT 19: Complaint to CANCEL Fraudulent Mortgages, Fraudulent Deeds, & Fake NotesWells Fargo Bank, NA , GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

153. Paragraphs 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff realleges, as if fully set forth here, each allegation above. It is specifically alleged herein that the defendants, and each of them individually, committed fraudulent and negligent misrepresentations by manufacturing false instruments, and causing such instruments to be filed in the public property records for the purpose of claiming false ownership and interest of the subject property.

154. Plaintiff(s) alleges that one or more fraudulent instruments have been used to perpetrate fraud against the plaintiff, and such fraud also constituted fraud against the property..

155. Plaintiff(s) alleges that the fraudulent instruments are attached to this complaint as **Exhibit 1, Exhibit 2, Exhibit 3**, and other Exhibits attached herein, specifically identifying the fraudulent device.

156. Plaintiff(s) alleged that these instruments purport to convey property to defendants, but which in fact does not convey title, or any other ownership to any of the defendants.

157. Plaintiff(s) alleges that one, or more, or all of the instruments are fraudulent in nature, as previously complained of herein, and such fraudulent instruments have placed an unlawful clouds over the title because defendants, and each of them, have recorded false deeds in public record.

158. These instruments purport to represent conveyances to defendants, but in reality are null and void because they are based upon the fraud and other matters complained of herein.

159. Plaintiff(s) alleged that one, or more, or all of the fraudulent instruments have been improperly and wrongly filed in public record against the property and should be **CANCELED** as a matter of law.

160. Plaintiff(s) is/are entitled to have the fraudulent instruments **forever CANCELED**, removed from public records, and criminal charges accessed against defendants for knowingly recording fraudulent instruments in public record, in violation of the penal and civil codes of this state.

COMPLAINT FOR TEMPORARY RESTRAINING ORDER & PERMANENT INJUNCTION

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

161. Paragraph 50 thru 56 (FRAUD) and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff is entitled to immediate relief prior to trial in the form of a temporary restraining order or Preliminary Injunction restraining defendants and its agents from selling or taking possession of the property. Irreparable injury will occur to the plaintiff unless these defendants are enjoined from its unlawful acts. . In support of this cause of action plaintiff will show this court the following:

- (1) there is a substantial likelihood that plaintiff(s) will prevail on the merits, and,
- (2) there is a substantial threat that the plaintiffs will suffer irreparable injury if the preliminary injunction is denied, and,
- (3) the threatened injury to the plaintiffs seeking the injunction outweighs the threatened injury to the party to be enjoined, and
- (4) granting the preliminary injunction will not disserve the public interest.
(See Sierra Club v. FDIC, 992 F.2d 545, 551 (5th Cir.1993)).

**THERE IS A SUBSTANTIAL LIKELIHOOD THAT PLAINTIFF WILL PREVAIL
ON THE MERITS OF THIS ACTION**

162. Based on the pleadings, affidavits, and verifications herein, and the alleged conduct of the defendants, there is a great likelihood that the plaintiff will prevail on the merits of this action, because the evidence submitted herein is conclusive proof that the claims, (especially the fraud claims) of this action are true and correct.

**THERE IS A SUBSTANTIAL THREAT THAT THE PLAINTIFF WILL
SUFFER IRREPARABLE INJURY IF THE PRELIMINARY INJUNCTION
OR TEMPORARY RESTRAINING ORDER IS DENIED**

163. There is a substantial threat that the plaintiff will continue to suffer irreparable injury if the preliminary injunction or temporary restraining order is denied. The overt acts of the defendants demonstrates that these defendants fraud knows no bounds in its schemes to defraud the plaintiff.

164. No defense exist for the fraud claims complained of herein, and if defendant is allowed to continue its unlawful acts, irreparable injury will occur to the plaintiffs as a result of this fraud.

COUNT 21:

COMPLAINT FOR DECLARATORY JUDGMENT

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

165. Paragraphs 50 thru 56 and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. The unlawful acts complained of herein, including but not limited to, the fraud, negligent misrepresentation the embezzlement, conversion, conspiracy, violation of civil rights, and denial of civil rights, all may all be declared illegal or in violation of state and/or federal law.

166. Plaintiff(s) is/are entitled to a declaratory judgment declaring the rights of the plaintiff and status of the property in dispute. Plaintiff(s) desires a determination to Adverse Possession, to quiet the title to the subject real estate or property which made the basis of this complaint. The rights of the plaintiff(s) with respect to personal property have been violated. Specifically, the defendants have wrongfully asserted rights, converted, taken dominion of the real property described herein which they are not entitled to control.

167. In due course proceedings this court should enter a declaratory judgment pursuant to the declaratory judgment act 28 U.S.C. 2201-2202 as to all of the following:

- (a) declaratory judgment declaring that plaintiff is the fee simple owner of all right, title, and interest in and to the described real property; and,
- (b) a declaratory judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property or personal property complained of; and,
- (c) a declaratory judgment declaring that defendants have no right of possession of plaintiff's property; and,
- (d) a declaratory judgment declaring that defendants has trespassed the legal rights and property rights of the plaintiff; and;
- (e) a declaratory judgment that defendants committed the FRAUD as complained of herein; and,
- (f) a declaratory judgment that fraud as complained of in paragraphs 9 thru 15 constitutes deceptive trade practices and violates plaintiff Civil & US & State Constitutional Rights,
- (g) a declaratory judgment that the remaining acts complained of this civil actions are unlawful and are in violation the laws of the United States of America and in commerce.

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC. EAST END PROPERTIES, INC & DANIEL ARGENTO LOS ANGELES POLICE DEPARTMENT
REGIONAL TRUSTEE SERVICE CORPORATION

THE FRAUDULENT ASSIGNMENT OF DEED OF TRUST BY MERS, AND THE OTHER OTHER FRAUDULENT ACTS COMPLAINED OF HEREIN, AND OTHER MALICIOUS AND EVIL ACTS COMPLAINED OF HEREIN CONSTITUTES EXTREME AND OUTRAGEOUS CONDUCT WHICH WARRANTS PUNITIVE DAMAGES UNDER LAW

168. The preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff further contends that defendant's fraudulent conduct, the conspiracies, the conversions, the embezzlement, the many misrepresentations perpetrated by defendants as complained of herein, including the matters complained of in the preceding paragraphs of this lawsuit, namely, the violations of civil rights, the deprivation of civil rights, the defrauding of property, complained of herein, the unlawful actions taken against the plaintiff, the improper and harassing fraudulent instruments sent to the plaintiff, including the FRAUD complained of herein, exceeds all bounds usually tolerated by a decent society, and moreover was done with malice, and with intent to cause knowledge that it would cause, and in fact has caused, severe mental and physical distress and economic loss to the plaintiff. Defendant's flagrant, willful disregard for the law, its despicable fraudulent, conduct, is Extreme & Outrageous, and should be punished accordingly, with punitive and/or exemplary damages. Defendants were unjustly enriched.

169. Regarding the conspiracy claimed herein, plaintiff asserts that if it is found that one or more or all of the defendants did not actively participate in the said illegal acts and conspiracy, then it is alleged that said defendants had knowledge of the conspiracy, the power to prevent, or aid in the prevention of the conspiracy, and refused to do so.

170. That, in the alternative and in the event that this court finds that there was no conspiracy between the defendants named herein to collectively harass or defraud the plaintiff, plaintiff alleges that one, or more, or all of the defendants named herein independently committed the unlawful acts described herein, which acts resulted in the loss of valuable property rights, deprivation and violation of plaintiff's rights, privileges, and immunities guaranteed under state law, Common laws and laws of the State of California

PUNITIVE DAMAGES

Wells Fargo Bank, NA , GENESIS CAPITAL
MASTER FUND III,LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

171. Paragraphs **50 thru 56, (FRAUD)** and the preceding paragraphs are incorporated herein by reference. Plaintiff's reallege, as if fully set forth herein, each allegation above. Plaintiff(s) is/are entitled to recover punitive or exemplary damages as a matter of law.

172. The many unlawful and unconscious able acts complained of herein, the conspiracies contemplated between the defendants, the wrongful fraud scams, the fraudulent conveyances of Real Property, the many conversions, the intentional willful debt harassment, embezzlement, the willful and intentional violations of plaintiff's Civil and Constitutional rights. fraud, prosecution of legal action for debts not owed to them, the **unlawful malicious prosecutions** the reckless disregard for law and plaintiff civil rights, and for the other unlawful offenses committed, including the oppression, the deliberate infliction of mental and emotional distress, physical and mental pain, the wrongful and unjust frivolous collections actions, debt harassment, and especially the reckless, wanton, careless and deliberate disregard for civil rights, and for other reason at law, Plaintiffs is/are entitled to recover punitive damages, in addition to actual damages. Defendants should be punished as a matter of law for the despicable acts complained of herein exceeds all bounds of a decent society, was egregiously invidious, **Extreme and Outrageous**, and was further done with malice, and full knowledge with the intent to harm plaintiff(s) Eduardo Menjivar & Nana I AM

173. Defendants Wells Fargo Bank, NA , GENESIS CAPITAL
MASTER FUND III,LLC, , REGIONAL TRUSTEE SERVICE CORPORATION, EAST END PROPERTIES, INC & DANIEL
ARGENTO and

defendant LOS ANGELES POLICE DEPARTMENT all **subject to Punitive Damages**, as a matter of law.

174. **Punitive Damages** should be **inflicted individually**, and **jointly** upon each defendant, because each defendant is alleged to have committed the fraudulent acts, individually, in his/her personal or official capacity.

COMPUTATION OF DAMAGES

Wells Fargo Bank, NA, GENESIS CAPITAL
MASTER FUND III, LLC,

REGIONAL TRUSTEE SERVICE CORPORATION

EAST END PROPERTIES, INC & DANIEL
ARGENTO

LOS ANGELES POLICE DEPARTMENT

175. As a result of the despicable, treacherous, and fraudulent acts described herein, the plaintiff(s) **Eduardo Menjivar & Nana I AM** is/are entitled to individually recover from each defendant, the following damages: (AGAINST ALL DEFENDANTS INDIVIDUALLY)

1. Punitive Damages	\$3,000,000.00
2. Actual Damages.....	\$1,000,000.00
3. Damages for FRAUD	\$1,050,000.00
4. Negligent Misrepresentation.....	\$1,050,000.00
5. Intentional Infliction of Emotional Distress & Pain.....	\$500,000.00
6. Restitution for Conspiracy.....	\$500,000.00
7. Compensatory Damages.....	\$500,000.00
8. Treble Damages.....	\$3,150,000.00
9. Embarrassment, Humiliation, & Anxiety.....	\$500,000.00
10. Restitution for UNJUST ENRICHMENT.....	\$1,050,000.00
11. Restitution for RICO Violations	\$1,500,000.00
12. Restitution for Violations of Fair Debt Collections Practices	\$250,000.00
13. Restitution for CONVERSION	\$250,000.00
14. Restitution for Embezzlement	\$1,500,000.00
15. Restitution for SLANDER OF TITLE	\$250,000.00
16. Restitution for ILLEGAL FORECLOSURE	\$250,000.00
17. Restitution for Constitutional Violations	\$250,000.00
18. Restitution for DECEPTIVE TRADE PRACTICES	\$1,000,000.00
19. Resitution for Theft and Trespass	\$250,000.00
20. Restitution for Civil Rights Violations	\$250,000.00
21. Restitution for FINANCIAL FRAUD	\$250,000.00
Total Damages.....	\$18,300,000.00

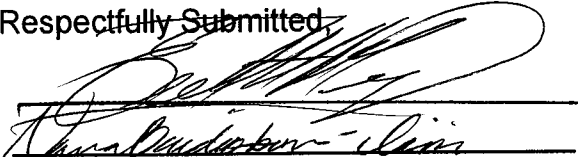
Twenty Six Million Five Hundred Forty Dollars

PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) demands judgment against all named defendants as follows:

1. For an order compelling said Defendants, and each of them, to transfer legal title and possession of the subject property to Plaintiff(s) herein;
2. For a declaration and determination that Plaintiff(s) is/are the rightful holder of title to the Equitable Title to the subject property and that Defendant herein, and each of them, be declared to have no estate, right, title or interest in said property;
3. For a judgment forever enjoining said defendants, and each of them, from claiming any estate, right, title or interest in the subject property;
4. For a Temporary Restraining Order/Permanent Injunction enjoining defendants from selling or taking any adverse actions against the subject property pending the disposition in this case;
5. For a **Declaratory Judgment** declaring that defendants's deed lien, and or interest in the subject property is unenforceable, is fraudulent as described herein;
6. For a **Declaratory Judgment** declaring defendants acts to be unconstitutional under U.S. Law, and the Constitution of the State of **California**
7. For a **Declaratory Judgment** declaring that defendants acts are Deceptive Trade Practices, fraudulent, and violate the laws of the State of **California**
8. For a judgment of **Punitive Damages** against, all the named defendants, individually, and collectively against defendants Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND III, LLC, and REGIONAL TRUSTEE SERVICE CORPORATION and further against defendants EAST END PROPERTIES, INC & DANIEL ARGENTO , and LOS ANGELES POLICE DEPARTMENT

WHEREFORE, ALL PREMISES CONSIDERED, Plaintiff pray that this Honorable Court after due proceeding, and all legal delays, do enter judgment against the defendants jointly, severely, and in solido, condemning them all, for the said unlawful acts in the full amount of : \$18,300,000.00
Twenty Six Million Five Hundred Forty Dollars
including court cost, attorney fees, interest from the date of judicial demand and for all general and equitable relief afforded under law.

Respectfully Submitted,

Eduardo Menjivar & Nana I AM
4048 Halldale Avenue,
Los Angeles, CA 90062
PHONE; 310-955-6541

JURY TRIAL DEMANDED

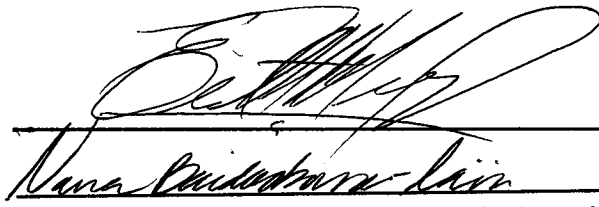
BY
Eduardo Menjivar & Nana I AM

VERIFICATION

I, (we) Eduardo Menjivar & Nana I AM am/are a plaintiffs in the above-entitled action.

I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at LOS ANGELES California



Eduardo Menjivar & Nana I AM

DATED: July 16, 2014

Exhibit "A"

Page 55 of 57

LEGAL DESCRIPTION

See Exhibit "A"

LOT 35, OF L.L. BOWEN'S NORMANDIE AVENUE TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN THE BOOK 10 PAGES 94 OF MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PROPERTY ADDRESS

4048 Halldale Avenue, Los Angeles, CA 90062

REQUEST FOR SERVICE

Please serve defendants at the following addresses:

Wells Fargo Bank, NA , GENESIS CAPITAL MASTER FUND
III, LLC,

Wells Fargo Bank, N.A
C/O RTS PACIFIC, INC
616 1ST AVENUE, SUITE 500
SEATTLE , WA 98104

REGIONAL TRUSTEE SERVICE CORPORATION
REGIONAL TRUSTEE SERVICE
CORPORATION

616 1ST AVENUE, SUITE 500
SEATTLE, WA 98104

EAST END PROPERTIES, INC & DANIEL ARGENTO

BRETT CYPRUS
15740 PARAMOUNT BLVD, SUITE E
PARAMOUNT, CA 9072

LOS ANGELES POLICE DEPARTMENT
100 WEST 1ST STREET
LOS ANGELES, CA. 90012

Appendix of Exhibits

Page 57 of 57

Exhibit #**Description of Exhibit****A****Legal Description of Property**

1

FRAUDULENT DECLARATION BY RUBEN RAMIREZ OF WELLS FARGO DATED 12-6-11,

2

FRAUDULENT NOTICE OF DEFAULT FILED BY RTS PACIFIC,, INC; DATED 12-15-11 AND RECORDED AS INSTRUMENT # 20111693817 AT THE LOS ANGELES COUNTY RECORDERS OFFICE.

3

FRAUDULENT SUBSTITUTION OF TRUSTEE FILED BY RTS PACIFIC,, INC; DATED 9-24-14 AND RECORDED AS INSTRUMENT # 20141010730 AT THE LOS ANGELES COUNTY RECORDERS OFFICE.

4

FRAUDULENT NOTICE OF TRUSTEE SALE FILED BY RTS, PACIFIC, INC; DATED 02-19-15 AND RECORDED AS INSTRUMENT 20150179724 IN THE LOS ANGELES COUNTY RECORDERS OFFICE.

5

FRAUDULENT TRUSTEE'S DEED FILED BY RTS PACIFIC,,INC; DATED 6-16-15 AND RECORDED AS INSTRUMENT # 20150712622 IN LOS ANGELES COUNTY RECORDERS OFFICE.

6

7

8

9

10

11

12

I (a) PLAINTIFFS (Check box if you are representing yourself) ☒

Eduardo Menjivar & Nana I AM

DEFENDANTS

Wells Fargo Bank, NA, GENESIS CAPITAL MASTER FUND
III, LLC, REGIONAL TRUSTEE SERVICE CORPORATION,
EAST END PROPERTIES, INC & DANIEL ARGENTO, LLC,
LOS ANGELES POLICE DEPARTMENT

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Eduardo Menjivar & Nana I AM
4048 Halldale Avenue,
Los Angeles, CA 90062
PHONE: 310-955-6541

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item 111)

111. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DLF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No ☐

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VIL NATURE OF SUIT (Place an X in one box only.)

MONEY DEMANDED IN COMPLAINT: \$ **18,300,000.00**

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Bank and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matter <input type="checkbox"/> 894 Energy Allocation Ac <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 INSURANCE <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury- Med Malpractice <input type="checkbox"/> 365 Personal Injury- Product Liability <input type="checkbox"/> 368 Asbestos Personal To inn, Pr., diwr III IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus- Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> #22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Acco- modations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 Americans with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/ Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airlinc Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/M.-mt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademarks SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395FF) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI(405)(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A- Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF		INITIAL DIVISION IN CACD IS
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B- Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	Is the United States or one of its agencies or employees a party to this action?		INITIAL DIVISION IN CACD IS	
	A PLAINTIFF Then check the box below for the county in which the majority of DEFENDANTS reside.			A DEFENDANT Then check the box below for the county in which the majority of PLAINTIFFS reside.
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino		Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other		Western

Question C Location of plaintiffs defendants and Claims? (Make only one selection per row)	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Out of the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below I
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division in response to Question D, below. →	

(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
 - ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - ☐ D. Involve the same patent, trademark or copyright -and one of the factors identified above in a, b or c also is present.

SIGNATURE OF ATTORNEY

OR SELF-REPRESENTED LITIGANT):

[Signature]

DATE: 10/9/15

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code Abbreviation		Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))